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County Counsel

November 15, 2005

Agenda No. 5  
10/25/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 04-021-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**


Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which seeks to authorize additional storage and parking areas for a contractor's equipment rental storage yard in the Palmdale Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the necessary findings and conditions. Enclosed are appropriate findings and conditions for your consideration.

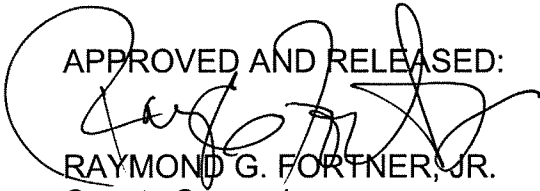
Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By

  
RICHARD D. WEISS  
Assistant County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

RDW/

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 04-021-(5)**

1. The applicant requests authorization for a zone change for two parcels from R-3 (Limited Multiple Residence) to M-1-DP (Light Manufacturing - Development Program) and a conditional use permit to authorize additional storage and parking areas for contractor's equipment rental storage yard and related parking. This grant supersedes Conditional Use Permit Case No. 98-146-(5) and includes property acquired subsequent to the issuance of that previous permit.
2. The subject properties are located at 38853 N. 8<sup>th</sup> Street East between Avenue Q and Avenue P-12, southwest of the Palmdale airport, one block east of Sierra Highway.
3. The 16,265-square-foot rental equipment yard expansion parcel and 13,000-square-foot existing parking lot parcel are located in a flat to mildly sloping area with minimal existing landscaping.
4. Adequate access is provided from N. 8<sup>th</sup> Street East via an existing paved driveway adjacent to the existing parking lot. Additional access is provided from Sierra Highway to the main rental yard which is to be connected to the subject expansion site. No additional access is proposed directly from 8<sup>th</sup> Street East into the expansion site. An existing water supply and sewage services are available to the site. Public street lights on concrete poles currently provide lighting from Sierra Highway and there is one pole and light near the parking lot from N. 8<sup>th</sup> Street East.
5. Zoning surrounding the subject property within a 500-foot radius consists of R-3 to the north, south, and east. The property to the west is zoned M-1-DP.
6. The subject expansion site is currently vacant. The existing parking lot site is currently used for parking a maximum of 12 vehicles.
7. Land uses surrounding the subject property consist of the following:
  - North: Single-family residences and commercial
  - South: Vacant and single-family residences
  - East: Single-family residences
  - West: Existing rental storage yard

8. Zoning Case No. 6160 for a zone change from C-3 to M-1-DP was adopted by the Board of Supervisors on May 6, 1976, for the existing rental equipment yard exclusive of the parking lot parcel. Conditional Use Permit No. 914-(5) and Variance No. 446-(5) were approved in September 1976 to establish, operate, and maintain an equipment rental yard facility and to modify certain development standards. Conditional Use Permit No. 98-146-(5) was approved on October 13, 1999, to authorize expansion of the rental yard building and provision of transitional parking in the adjacent lot located in the R-3 zone. Certificate of Compliance Case No. 04-142 was issued on April 15, 2004, pertaining to the 16,265 square-foot rental equipment storage yard expansion parcel.
9. The land use designation for the subject property within the Antelope Valley Areawide General Plan is M (Industrial). This designation authorizes uses such as facilities providing clean and non-polluting light industrial services.
10. The following area general plan goals and policies are applicable to the subject property and serve as guidelines for development:
  - A. "Provide for development which is consistent with the Plan, and encourage other governmental and private agencies to do the same." (Antelope Valley Areawide General Plan, Policy No. 3, P. V-1)

The proposed zone change and expansion of the project is consistent with the "M" (Industrial) designation in the Plan for the subject area;
  - B. "Provide incentives in urban areas to encourage owners of small parcels to develop or participate with others in assembling larger units of sufficient economic viability." (Antelope Valley Areawide General Plan, Policy No. 24, P. V-4)

Providing a zone change enables assembly and use of parcels which will facilitate greater economic value for the community by allowing for expansion of the existing rental yard facility;
  - C. "Encourage recycling and revitalization of deteriorating urban areas by pursuing appropriate demolition, rebuilding and or rehabilitation." (Antelope Valley Areawide General Plan, Policy No. 32, P. V-5)

Existing non-productive vacant land is being put to economically viable use; and

- D. "Mitigate where possible undesirable impacts of adjacent land uses (i.e., noise interruption, visual intrusion, and airborne emissions) through utilization of appropriate buffers, building codes, and standards."  
(Antelope Valley Areawide General Plan, Policy No. 62, P. V-9).

The applicant proposes eight-foot cement block perimeter walls to buffer noise and visual impacts from the rental storage yard. Additional street trees and landscaping are also proposed. The rental equipment yard is regularly watered to control potential airborne particulates.

11. The applicant's site plan depicts a vacant 16,265-square-foot parcel enclosed by a concrete block wall eight feet in height on the north, east, and south boundaries of the site. An existing chain link fence six feet in height is proposed to be removed from the southern, eastern, and northern boundaries to be replaced by the proposed wall. A 15-foot front yard setback is depicted for the expansion site. Five street trees and other landscaping, and sidewalks, curbs, and gutters are depicted at the N. 8<sup>th</sup> Street East frontage. Access to the expansion site is via the existing rental yard using either the existing N. Sierra Highway access or the existing N. 8<sup>th</sup> Street East access at the parking lot parcel. An existing cement block wall on the western boundary is proposed to be removed for access from the adjacent existing rental equipment storage yard. Balanced grading of 1,000 cubic yards is proposed to provide for a surface elevation that is in conformance with adjacent storage yard.
12. The applicant's site plan depicts a 13,000-square-foot parcel used as an existing parking lot with 12 parking spaces and a 25-foot front yard setback. Four street trees are proposed for frontage landscaping at N. 8<sup>th</sup> Street East.
13. The applicant proposes to continue operation of the existing rental equipment storage yard from 6:30 a.m. to 6:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. Sunday.
14. The existing R-3 zone designation does not permit storage yards as of right or with issuance of a conditional use permit.
15. Section 22.16.150.A of the Los Angeles County Code provides specific principles and standards as criteria for evaluation of a zone change request. The criteria are as follows:
  - A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration;
  - B. That a need for the proposed zone classification exists within such area or district;

- C. That the particular property under consideration is a proper location for said zone classification within such area or district;
- D. That placement of the proposed zone at such location will be in the interest of public health, safety, and general welfare, and in conformity with good zoning practice; and
- E. That the proposed zone change is consistent with the adopted general plan for the area.

The proposal meets these criteria.

- 16. According to Section 22.32.040 of the County Code, rental equipment storage yards are permitted uses in the M-1-DP zone. Applicable development standards are as follows:

- A. Section 22.32.080.A: "Any property used for the outside storage or display of raw materials, equipment or finished products shall comply with the requirements of Part 7 of Chapter 22.52" and Section 22.52.570: "All outside storage or display open to view from the exterior boundary of the lot or parcel of land upon which it is conducted shall be enclosed by a solid wall or fence as set forth in this Part 7."

The project uses perimeter cement block walls eight feet in height to screen the site from surrounding properties. The project complies with outside storage fencing requirements;

- B. Section 22.52.590: "The standards of development for outside storage and display as set forth in this Title 22 shall not relieve the proprietors of such businesses from complying with all regulations, laws and ordinances of the County of Los Angeles and the State of California."

The applicant shall store such items as permissible under all applicable state and County laws;

- C. Section 22.52.610.A: "All fences and walls shall be of uniform height in relation to the ground upon which they stand, and shall be a minimum of eight feet and shall not exceed 15 feet in height. Where fences or walls exceed a height of 10 feet and are located on street or highway frontages they shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped according to the specifications hereinafter described in Section 22.52.630."

The site plan depicts cement block walls eight feet in height surrounding the expansion site and existing rental equipment yard. Fencing at the frontage of the existing yard at Sierra Highway includes chain link on top of a cement block wall for a total eight feet in height. Replacement of the chain link portion with wrought iron will be required.

The parking lot site plan does not depict a perimeter wall. No parking lot perimeter wall is required. Street trees and shrubs are proposed to provide required setback and driveway landscaping. The project complies with fencing height requirements;

- D. Section 22.52.610.B: "All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of the following materials:
- i. Metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish;
  - ii. Masonry; and
  - iii. Other materials comparable to the foregoing if approved by the director."

The project uses masonry wall materials compatible to existing walls. The project complies with fencing material requirements;

- E. Section 22.52.610.D: "All fences and walls shall be constructed in a workmanlike manner and shall consist solely of new materials unless the director approves the substitution of used materials where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life."

The applicant proposes new cement block wall materials where new walls are required. Existing cement block walls will remain with the exception of the barrier wall between the expansion site and the rental yard. This wall will be removed. The project complies with new fencing requirements;

- F. Section 22.52.610.E.1: "All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times."

The applicant proposes uniform pre-colored cement block wall materials which will not require painting. The project complies with fence coloring requirements;

- G. Section 22.52.610.E.2: "No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet."

The applicant has not proposed additional advertising or display on existing and proposed walls. The project complies with applicable fencing and signage requirements;

- H. Section 22.52.610.F: "Any structures which are used as part of the yard boundaries and/or are exposed to view from a street or highway frontage shall be subject to painting, maintenance and sign requirements for fences and walls as provided in subsection E of this section."

The applicant shall comply with exposed equipment requirements. The conditions of approval address additional exposed equipment requirements;

- I. Section 22.52.630.A: "All required fences or walls which are open to view from any street or highway, or any area in a residential, agricultural or commercial zone, shall be provided with at least one square foot of landscaping for each linear foot of such frontage, and said landscaping shall be developed in accordance with a site plan which complies with the following criteria":

- i. Section 22.52.630.A.1: "Landscaping shall be distributed along said frontage in accordance with the site plan approved by the director."

The site plan depicts nine street trees and proposed and existing shrubs providing more than 2,700 square feet of landscaping at the 8<sup>th</sup> Street frontage and access driveway. Approximately 205 square feet is the minimum required landscaping. The project exceeds landscaping requirements;

- ii. Section 22.52.630.A.2: "No planting area shall have a horizontal dimension of less than three feet."

Planting areas exceed a horizontal dimension of three feet and comply with planting area requirements;

- iii. Section 22.52.630.A.3: "Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary."

The applicant shall comply with landscaping maintenance requirements; and

- iv. Section 22.52.630.A.4: "A permanent watering system shall be provided which satisfactorily irrigates all planted areas. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 50 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscape area."

The applicant shall comply with landscaping watering requirements;

- J. Section 22.52.640: "All portions of outside storage and display areas shall have adequate grading and drainage and shall be continuously maintained, and all raw material, equipment or finished products stored or displayed pursuant to the provisions of this Part 7":

The applicant proposes drainage improvements according to the requirements of the Department of Public Works;

- K. Section 22.52.640.A: "Shall not be stored above the height of the fence or wall within 10 feet of said fence or wall."

The applicant shall comply with storage height requirements;

- L. Section 22.52.640.B: "Shall be stored in such manner that it cannot be blown from the enclosed storage area"; and Section 22.52.640.C: "Shall not be placed or allowed to remain outside the enclosed storage area."

The applicant shall comply with enclosed storage requirements;

- M. Section 22.32.080.B: "Vehicle storage shall be provided as required by Part 11 of Chapter 22.52."

The applicant shall comply with this requirement;

- N. Section 22.52.1140: "In connection with any manufacturing or other industrial use in any zone except Zone SR-D, there shall be provided parking space for all vehicles used directly in the conducting of such use and, in addition, not less than one automobile parking space for each two

persons employed or intended to be employed on the shift having the largest number of employees, or each 500 square feet of floor area of the building used for such use, whichever is the larger. If the use is considered a warehouse as defined in Section 22.08.230, one parking space shall be provided for each 1,000 square feet of floor area used for warehousing."

The rental yard adjacent to the subject site includes a 7,800-square-foot warehouse facility for rental equipment. Eight parking spaces are required. The project proposes 12 parking spaces including one van-accessible space. The parking lot shall be paved to minimize erosion runoff and marking the spaces to prevent disorderly parking; and

- O. Section 22.32.080.C: "Signs shall comply with the requirements of Part 10 of Chapter 22.52."

No signage is proposed for the subject project. The applicant shall comply with all signage requirements.

- 17. All of the mandatory conditions prescribed in Section 22.40.070 of the Los Angeles County Code shall be followed as applicable to development of the subject property.
- 18. Pursuant to Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the County, the following facts:
  - A. That the requested use at the location proposed will not:
    - i. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, or
    - ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, or
    - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
  - B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

- C. That the proposed site is adequately served:
- i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - ii. By other public or private service facilities as are required.

Staff advised both the Planning Commission and the Board of Supervisors that in their opinion, the proposal substantiates the burden of proof for a conditional use permit.

19. Pursuant to Section 22.16.110 of the Los Angeles County Code, in addition to the information required by Section 22.16.100, the applicant shall substantiate to the satisfaction of the commission the burden of proof for a zone change as follows:

- A. Section 22.16.110.A: "That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration."

The proposed rezoning of the subject properties to M-1-DP will permit an expansion of an existing rental equipment yard and incorporate parking consistent with the Industrial Area Plan designation.

The Development Program provision will insure appropriate future uses as the ( )-DP designation requires a conditional use permit for any and all future proposed changes in use;

- B. Section 22.16.110.B: "That a need for the proposed zone classification exists within such area or district."

The M-1-DP zone will enable the existing business to better utilize land, now mostly vacant, through the expansion of the rental equipment yard. The rental equipment yard provides needed services to the community;

- C. Section 22.16.110.C: "That the particular property under consideration is a proper location for said zone classification within such area or district."

The subject property is of sufficient size to facilitate the proposed uses. The project is compatible with adjacent commercial development on the major arterial Sierra Highway; and

- D. Section 22.16.110.D: "That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice."

The proposed zone change will enable expansion of the rental equipment yard use with no significant environmental impacts. The removal of blight will benefit the community through the redevelopment of the site and through the provision of landscaping, buffering residences east of N. 8<sup>th</sup> Street East.

20. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The Board of Supervisors finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to section 711.2 of the California Fish and Game Code.
21. Comments were received from the Los Angeles County Department of Public Works, Fire Department, and Department of Health Services while this proposal was pending before the Planning Commission. The Department of Public Works requested a Standard Urban Stormwater Management Plan ("SUSMP") report, sewerage capacity review, and documentation of adequate sight distance for access points at Sierra Highway and 8<sup>th</sup> Street, along with other public improvements. The applicant has complied with the Department of Public Works requirements. The Fire Department had no additional requirements or comments pertaining to this permit.
22. The Department of Health Services required mitigation measures for borderline noise levels generated by the project. Said department concurred that eight-foot perimeter cement block walls proposed by the applicant is a sufficient noise mitigation measure.
23. Hearing notices were mailed to the applicant and to 70 neighbors within a 1,000-foot radius of the project site on March 9, 2005. Required case materials were mailed to the Lancaster Library on March 14, 2005. Newspaper advertisements were published in Antelope Valley Press and La Opinion on March 14, 2005. Hearing notices were posted at the site on March 15, 2005.
24. Opposition testimony was received at the hearing conducted by the Board of Supervisors on behalf of neighboring property owners who contended that the proposal would have a negative effect on the quality of their life and the lives of other nearby residents due to changes in topography, and increase in the amount of traffic and the potential for day laborers to gather. However, the Board

finds that the proposal includes sufficient mitigation measures to avoid adverse impacts. These measures include the construction of a block wall, the requirement for a landscape setback, and the provisions for vehicular ingress and egress from the site.

25. The proposed zone change and conditional use permit requests are consistent with the Antelope Valley Areawide General Plan, are complementary and compatible with surrounding uses, and meet development standards. The proposal provides needed services for community members in the Palmdale area.
26. Landscaping of approximately 15 feet in length will provide buffering between the project and the residential neighbors to the east of the frontage on N. 8<sup>th</sup> Street East.
27. The applicant proposes cement block walls eight feet in height as sound barriers to reduce noise to levels below County standards and to mitigate visual impacts.
28. The conditional use permit will have a 20-year term which will be subject to renewal for an additional 20-year period following review by the Planning Director.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area; and
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Approves the Negative Declaration prepared for the proposal and finds that it complies with CEQA and reflects the independent judgment of the Board as to the environmental effects of the proposal; and
2. Approves Conditional Use Permit No. 04-021-(5), subject to the attached conditions.

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NUMBER 04-021-(5)**

1. This grant authorizes the continued operation, maintenance, and expansion of a storage yard for rented contractor's equipment and related parking areas as depicted on the approved Exhibit "A" subject to all of the following conditions of approval. This grant supersedes Conditional Use Permit Case No. 98-146-(5) and covers additional property acquired subsequent to the approval of the previous grant.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not become effective until the Board of Supervisors has adopted associated Zone Change No. 04-021-(5).
4. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 9, and until all required monies have been paid pursuant to Condition Nos. 11 and 12. Upon recordation, an official copy of the recorded conditions shall be provided to the Planning Director ("Director").
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

7. This grant shall expire unless used within two years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date.
8. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
9. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
10. This grant shall terminate 20 years from the date of approval, on July 6, 2025, unless renewed by the Director for an additional period, not to exceed 20 years, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code. Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund which shall be used exclusively to

compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for 10 inspections, one every other year for 20 years. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The charge for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is \$150 per inspection.

12. Within 15 calendar days of the approval date of this grant, the permittee shall remit a \$25 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code.
13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the County for all costs incurred in such proceedings.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions, or shown on the approved plans.
15. The permittee shall comply with all County of Los Angeles Department of Public Works' requirements and conditions set forth in its March 7, 2005 letter, except as otherwise required by said department.
16. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. Permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.

17. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
18. The permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated May 19, 2004, except as otherwise required by said department.
19. The permittee shall comply with all County of Los Angeles Department of Health Services requirements specified in its letter dated July 14, 2004, except as otherwise required by said department.
20. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
21. Within 60 days of the approval date of this grant, permittee shall submit to the Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval.
22. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
23. The rental equipment yard shall have operating hours from 6:30 a.m. to 6:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00 p.m. Sunday. Access on Sunday shall be limited to the driveway at Sierra Highway.
24. The subject facility shall be developed and maintained in compliance with requirements of Chapter 22.52, Part 7 - Outside Storage and Display, and Section 22.52.1060 - Parking Specifications, except as provided herein.
25. Outside display and equipment shall not be placed or allowed to remain outside the enclosed storage area. Line of site distances at driveway access points shall not be obstructed by projecting equipment components or landscaping.

26. Rental equipment (such as lifts) shall not be extended more than 25 feet in height. Equipment or outside display shall not be stored above the height of the fence or walls within the first ten feet of said fence or walls.
27. Any signage in any zone of the subject property shall comply with the requirements of Chapter 22.52, Part 10 of the Los Angeles County Code. The existing pole-mounted sign (5' X 17'), 18 feet in height, shall be regularly maintained by permittee. No flashing, scintillating, or revolving signage is allowed.
28. The permittee shall provide traffic control signage onsite which provides clear directions for parking, pick-up, loading, and vehicle path of travel.
29. The permittee shall provide "Right Turn Only" signs at both the N. Sierra Highway and N. 8<sup>th</sup> Street East exits to the satisfaction of the Department of Public Works.
30. Direct access from N. 8<sup>th</sup> Street East shall not be provided from the portion of the site added by this grant. Access shall be limited to that which is provided through the existing rental equipment yard at N. Sierra Highway and at N. 8<sup>th</sup> Street East adjacent to the existing parking lot.
31. The parking lot shall comply with all requirements of Chapter 22.52, Part 11 - Vehicle Parking Space, of the Los Angeles County Zoning Code. The parking lot shall be paved, marked, and maintained in compliance with the requirements of Section 22.52.1060 - Parking Specifications, except as provided herein.
32. At least two percent of the gross area of the parking lot shall be landscaped.
33. Not less than 12 paved parking spaces shall be provided, including one handicapped accessible space. The access area for the handicapped space shall not be counted as additional parking. Parking shall be limited to motor vehicle parking exclusively, but shall exclude vehicles over two tons rated capacity.
34. Parking is prohibited within any required yard/setback area.
35. The permittee shall provide adequate lighting within all parking lot areas. Outdoor lighting shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. Outdoor lighting shall not exceed an intensity of one-foot-candle of light throughout the facility. Wherever feasible, sensor lighting shall be installed. Only minimal security lighting shall be used later than 10 p.m., nightly.

36. A cement block wall eight feet in height shall be constructed and maintained on the north, east, and south perimeter of the contiguous rental equipment yard as depicted on approved Exhibit "A." The existing cement block wall located on the western boundary of the expansion site shall be removed.
37. Chain link fencing six feet in height and located on top of the wall two feet in height at the western frontage at Sierra Highway shall be replaced by wrought iron.
38. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.
39. The front yard setback at N. 8<sup>th</sup> Street East shall be at least 15 feet for all subject parcels as depicted on approved Exhibit "A."
40. No new construction on the existing rental equipment storage yard, subject rental yard and parking lot parcel are provided by this grant with the exception of fencing and parking lot grading, paving, and drainage mentioned in these conditions of approval.
41. The construction of the proposed use shall be further subject to all of the following conditions:
  - a. The permittee shall secure any necessary permits from the South Coast Air Quality Management District and shall fully comply with the terms of said permit;
  - b. During grading, the permittee and its contractor shall comply with Sections 12.12.010 - 12.12.100 of the Los Angeles County Code regarding building construction noise;
  - c. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust; and

- d. All temporary signage shall comply with Part 10 of Section 22.52 of the County Code.

Attachments:

Department of Public Works Letter dated March 7, 2005

Fire Department Letter dated May 19, 2004

Department of Health Services Letter dated July 14, 2004



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

April 7, 2005

IN REPLY PLEASE  
REFER TO FILE: LD-2

TO: Russell Fricano  
Zoning Permits Section I  
Department of Regional Planning

FROM: *Ruefor* Barry S. Witler  
Transportation Planning and Subdivision Review Section  
Land Development Division

### CONDITIONAL USE PERMIT NO. 04-021

We have further reviewed the subject Permit in the Palmdale area in the vicinity of 8th Street East and Avenue Q (38853 North 8th Street East). This Permit is to allow the expansion of an outdoor storage area for an adjacent contractor's equipment rental yard. A zone change is also being requested. The following revised conditions supersede our previous comments dated May 10, 2004.

If this Permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Sierra Highway along the property frontage.
2. Dedicate right of way 30 feet from centerline on 8th Street East. Five feet of additional right of way is required along the portion of property frontage.
3. Construct curb, gutter, and sidewalk on 8th Street East along portion of the property frontage.
4. Locate gate for Sierra Highway driveway 20 feet behind the property line.
5. Repair any displaced, broken, or damaged curb, gutter, sidewalk, driveway apron, and pavement on Sierra Highway and 8th Street East along the property frontage to the satisfaction of Public Works.

6. Comply with the following street lighting requirements to the satisfaction of Public Works:

- a. Provide street lights on concrete poles with underground wiring on the Sierra Highway and 8th Street East along the property frontage. Street lighting plans must be approved by the Street Lighting Section. For additional information, please contact the Street Lighting Section at (626) 300-4726.
- b. The proposed development, or portions thereof, are not within an existing Lighting District. Annexation is required. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$27,000, and comply with the conditions listed below in order for the lighting district to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the annexation and levy of assessment (should assessment balloting favor levy of assessment) prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
  - 1) Request the Street Lighting Section to commence annexation and levy of assessment proceedings.
  - 2) Provide business/property owner's name(s), mailing address(es), site address, Assessor Parcel Number(s), and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
  - 3) Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed development area to Street Lighting Section. Contact the Street Lighting Section for map requirements and with any questions at (626) 300-4726.
- c. The area must be annexed into the lighting district, and all street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, all street lights in the project or approved project phase have been

Russell Fricano  
April 7, 2005  
Page 3

energized, and the developer has requested a transfer of billing at least by January 1 of the previous year, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year. The transfer of billing could be delayed one or more years if the above conditions are not met.

- d. Note that the annexation and assessment balloting process takes approximately five to six months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.

7. Plant street trees on 8th Street East to the satisfaction of Public Works.

WH:ca

P:\LDPUB\TRANS\CUPS\CUP 04-021EXPANSION OF OUTDOOR STORAGE .DOC

cc: Traffic and Lighting (Abdelhadi, Lau, Richards)

RP



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

DATE: May 19, 2004

TO: Department of Regional Planning  
Permits and Variances

SUBJECT: CUP 04-021

LOCATION: 38853 North 8th Street East, Plamdale (County Area)

- ☒ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is \_\_\_\_ gallons per minute for \_\_\_\_ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install \_\_\_\_ Public and/or \_\_\_\_ On-site and/or \_\_\_\_ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☐ Comments:
- ☐ Location:
- ☐ Access:
- ☐ Special Requirements:

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: *Janna Masi / Wally Collins*

Co.CUP 04/04

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



**COUNTY OF LOS ANGELES  
DEPARTMENT OF HEALTH SERVICES  
Public Health**

**THOMAS L. GARTHWAITHE, M.D.**  
Director of Health Services and Chief Medical Officer

**JONATHAN H. FIELDING, M.D., M.P.H.**  
Director of Public Health and Health Officer

**Environmental Health**  
**ARTURO AGUIRRE, Director**  
5050 Commerce Drive, Room 201  
Baldwin Park, CA 91706-1423  
TEL. (626) 430-5110 FAX (626) 813-3009

**Environmental Hygiene Program**  
5050 Commerce Drive, Room 115  
Baldwin Park, CA 91706-1423  
(626) 430-5440 FAX (626) 813-3025

[www.lapublichealth.org/eh](http://www.lapublichealth.org/eh)



**BOARD OF SUPERVISORS**

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Fifth District

July 14, 2004

Mr. Rick Kuo  
Department of Regional Planning  
Impact Analysis Section  
320 West Temple Street  
Los Angeles, CA 90012

Dear Mr. Rick Kuo:

**RE: Noise CUP #04-021 38853 N 8<sup>th</sup> St., Antelope Valley, CA**

This is to inform you that upon review of all documents and investigation at the proposed project at 38853 N 8<sup>th</sup> St., Antelope Valley, CA(Northridge Equipment Rentals), it appears the project will not significantly impact any other property with the noise it will generate nor be significantly impacted by surrounding properties. The following are our comments and or recommendations.

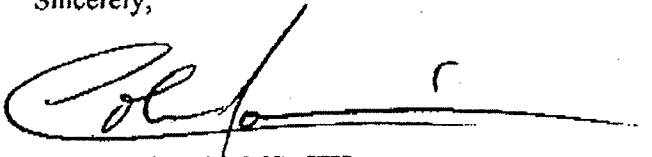
1. Sound monitoring to acquire the Community Noise Equivalent Level (CNEL) was conducted on 7/09/04. Sound monitoring results indicated a CNEL of (west property line-Sierra Highway/office bldg.) 69 decibels(dBA), (east entrance on 8<sup>th</sup> st. adj. to duplex-residence) 54.2 decibels(dBA) and (proposed lot on 8<sup>th</sup> st) 60.9 decibels(dBA) which was compared to a chart called, "Land Use Compatibility For Community Noise Environments" to see if this project would be compatible with surrounding environmental noise. The chart is from the "Guidelines for the Preparation and Content of Noise Elements for the General Plan," written by the California Department of Health Services. According to the chart, a CNEL of 54.2- 69 dBA would place the project in the category of "Normally Acceptable/Conditionally Acceptable" which may or may not require specialized building construction or noise insulation features included in the design in order to minimize the impact of exterior noise upon building occupants. The applicant proposes to replace the existing 6' tall chain link fence that encloses the additional lot and replacing it with an 8' tall concrete block wall on three sides except the western boundary. We concur with this proposal since it would attenuate sound levels coming from traffic, and railroad along Sierra Highway and from operations within the facility.

**C.U.P. 04-021**  
**38853 N. 8<sup>th</sup> St.,**  
**Antelope Valley, CA**  
**Page 2**

2. The applicant must abide by the enclosed County of Los Angeles Noise Ordinance sections with regard to construction

We appreciate the opportunity to be of service on this project and look forward to working with you in the future. If you have any questions, please contact Robert Vasquez at (626) 430-5431.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Cole Landowski', with a long horizontal line extending to the right.

Cole Landowski, MS, CTH  
Head, Environmental Hygiene Program